

Cambodia Adoptions Task Force Update
October 4, 2002

Talking Points for Congressional Briefing

RECENT DEVELOPMENTS

- The joint US/Cambodia Task Force involves high-level officials in both the Immigration and Naturalization Service (INS) and the Department of State (DOS). At the end of September, both the Director of the INS Office of International Affairs and the Director of the INS Bangkok District Office traveled to Cambodia to lend their support to the work of the Task Force. During their two days in Phnom Penh, they met with US Embassy officials, Cambodian Government officials, UNICEF, and the human rights organization LICADHO.
- The Task Force maintains its commitment to review the cases as expeditiously as possible. Since the creation of the Task Force, the INS has had at least one officer in Phnom Penh full-time dedicated exclusively to the work of the Task Force. The INS has also sent in a second officer as needed. A second officer has been present in Cambodia for the last three weeks. Beginning Monday, October 7, a third INS officer will be on full-time detail in Phnom Penh to assist with the follow-up investigations. There have also been additions to the Department of State staff in Cambodia.
- The Task Force has also increased its staff on the US side. Royce B. Murray has returned from her new position at INS General Counsel to work on the special humanitarian initiative again. With this addition to the headquarters staff, the Task Force anticipates being able to respond more quickly to individual inquiries from prospective adoptive parents and their congressional representatives.
- We have made a conscientious and concerted effort to share information with from those affected by the suspension. Beginning today, the Task Force will hold bi-weekly meetings to report on Task Force progress reports and new developments. We will also continue to send updates to all interested persons via the cambodia.adoptions@usdoj.gov e-mail address.

PROGRESS REPORT

- The Task Force review of cases already being processed under the special humanitarian initiative in Cambodia continues to move forward. Since the Task Force has not held a congressional briefing since June 20, 2002, the following is a progress report and summary of Task Force work. This information has already been sent via e-mail in the Cambodia Updates.
- In late May 2002, the Cambodian government agreed to expand the humanitarian initiative to include those prospective adoptive parents who had committed to adopting a

particular Cambodian child prior to the suspension and had INS approval of their I-600A application before or soon after the suspension.

- **MOSALVY CASES.** Of the 92 cases being processed through the Ministry of Social Affairs, Labor, Vocational Training and Youth Rehabilitation (MOSALVY), the Task Force has cleared 32 cases cleared to adopt 36 children. The remaining 60 cases are still under Task Force review and follow-up investigations.
- **COURT CASES.** Some of the prospective adoptive parents who meet the criteria of the special humanitarian initiative were pursuing adoptions through the Cambodian court system. On August 28, the Task Force resolved the legal status of such cases and determined that the Cambodian courts grant legal custody that is sufficient for emigration purposes, but not a full and final adoption. The court cases which otherwise meet the criteria of the initiative are reviewed by the Task Force and if cleared issued IR-4 visas so that the adoption may be finalized in the US. Of the 12 court cases, 2 cases have been cleared to adopt 3 children.
- **ADVISE NOT TO TRAVEL.** We continue to advise prospective adoptive parents not to travel to Cambodia until and unless their case has been cleared by the Task Force. Traveling prematurely to Cambodia will not facilitate the Task Force review of a case, but may result in additional hardships for prospective adoptive parents whose cases have not been cleared.

FINAL EXPANSION OF THE INITIATIVE

- Following discussions between interested congressional offices, the White House Office of Domestic Policy, the Department of State (DOS), and INS, a final expansion of the special humanitarian initiative was announced on September 11, 2002. This final phase of the initiative will include those prospective adoptive parents who *filed* an I-600A application by December 31, 2001 and who have designated Cambodia by September 1, 2002. Additionally, a Cambodian child who is to be adopted must have been *born* on or before December 31, 2001. This final expansion was proposed to the Cambodian government by the US Embassy, but is still pending agreement.
- A more detailed explanation of the parameters of this expansion was distributed on October 3, 2002, via cambodia.adoptions@usdoj.gov and will be posted on the Cambodia page of the INS Inter-Country Adoptions internet site soon. That internet site is a source of other useful inter-country adoption information, including all previous congressional talking points pertaining to the suspension of Cambodian adoptions. See <http://www.ins.usdoj.gov/graphics/services/resadopcam.htm>
- As stated in the September 11, 2002 announcement of the final expansion, the Task Force review of cases included in the final expansion of the initiative will begin after completing the cases currently under review. The process will continue to be the same: (1) the Cambodian government issues a decree for a specific child to be adopted by a particular

parent, and (2) the Task Force conducts a case-by-case review to verify that the child to be adopted qualifies as an orphan under U.S. law.

- For the prospective adoptive parents who qualify for this expanded initiative but decide to pursue an adoption from a country other than Cambodia, INS will assist with this process.

STATUS OF REVIEW OF CASES.

- **TIMELINE.** Many people have asked why it has taken longer for the cases included in the expanded initiative to be cleared in comparison with the first group of cases reviewed by the Task Force. There are essentially three reasons for the difference in timeline. First, the cases included in the expanded initiative had not yet completed Cambodian government processing and thus needed to go through the Ministry of Foreign Affairs, MOSALVY and receive the Council of Minister's sign-off (commonly called a "decree"). Second, although the Task Force members are seasoned officers, the Task Force now has more experience with investigations in Cambodia, has interviewed more people, has more documents for comparison, and is thus better able to identify fraudulent practices. Third, the Task Force has increasingly developed a better working relationship with Cambodian officials, especially Cambodian law enforcement officers.
- **HQ REVIEW.** The Task Force will be submitting to INS and State Department in Washington, DC the specific details of any cases that were reviewed by the Task Force in Cambodia but that could not be readily cleared. The Task Force may determine that some of the concerns about and deficiencies found in the files may be remedied by additional action, documentation, or investigation, while other cases may not be approvable based on the facts of the case. Cambodian officials may also have serious concerns about specific cases. As we have emphasized from the beginning, review by the Task Force does not guarantee that the Government of Cambodia will approve a final adoption or that the US Government can approve an orphan petition or issue the immigrant visa.
- **SUSPENSION.** The suspension in Cambodia was imposed for good reasons. As we have outlined in previous briefings, there are serious deficiencies in the Cambodian legal framework on adoptions, and very real trafficking concerns. Because of the situation the suspension generated, we created the Task Force and undertook the special humanitarian initiative. The suspension will remain in place until the Cambodian government implements a transparent and consistent adoption process.
- We thank you and the Congressional Coalition on Adoption Institute for your cooperation in communicating with prospective adoptive parents regarding their concerns and for organizing this congressional briefing.